

April 25, 2006

Clerk of the Arizona Supreme Court
1501 West Washington, Suite 402
Phoenix, Arizona 85007

Dear Clerk of the Arizona Supreme Court,

I am writing this letter to voice my concerns at the potential elimination of court reporters in the State of Arizona with respect to many of the criminal proceedings. I believe that a court reporter is an essential part of all criminal proceedings, including evidentiary hearings, change of plea hearings, and judgment and sentencings. There are a myriad of problems that can result from an electronic recording of courtroom proceedings.

There is always the possibility of an electronic malfunction or some type of power failure that could easily go undetected or unnoticed during court hearings. That would result in a complete loss of the record and give defendants a lot of extra opportunities to challenge what would otherwise be a good record. Additionally, any time you are using recording devices there is always the possibility of not being able to clearly understand or comprehend what is being said by the witnesses, lawyers or judges. If there are multiple people speaking at a hearing, including sentencing hearings it would be very likely that some of the time the judge would not remember to have people properly identify themselves and this would result in an incomplete record. Furthermore, if multiple people speak at the same time which happens everyday in court, then the record would also be faulty. When dealing with a person's individual freedom and liberty, the best practice is to have a professionally trained court reporter who not only accurately records what is said in court but also acts as a referee to make sure that the record made is an appropriate one. As Mohave County Attorney I strongly support keeping the court reporter system intact for all criminal proceedings and hearings.

Sincerely,

Matthew J. Smith
Mohave County Attorney

cc: Jennifer Greene/Administrative Office of the Court

